KEMMLER DENIED A WRIT

Death by Electricity Is Lawful.

-Punishment"-Next Step in the Case.

WASHINGTON, May 23 .- The Supreme

Court of the United States to-day denied

He Is Still for War, and Predicts the Collapse of the Players' Ball League.

Result of Games Played Yesterday-New York Again Defeats Pittsburg-Indiana League Contests--Louisville and Gravesend Races.

THE BASE-BALL OUTLOOK. Spalding Will Fight to the End, and Thinks

the Players Will Go to the Wall. CHICAGO, May 23 .- "I remarked some time ago," said President A. G. Spalding, of the Chicago League club, to-day, "that the

interest in professional base-ball in leading cities was dying out. I have seen nothing since to change my views. I want to call your attention to the extraordinary attendance at the games in the East for the past week. The eight games of ball played by the Players' and the National League do not draw out half as many people as four games of the League were wont

to do in the past." "What are you going to do about it?" "Going to do about it? I am going to stick at this fight until every one of my League partners desert me. I am for war, uncompromising and without quarter. I was opposed to it at first, but now I want to fight until one of us drops out. Mind you, the work has not yet begun. The National League was built up by fourteen years of the most assiduous labor. We had one grand enemy to fight. That enemy was demoralization. It faced us in many guises-crooked base-ball, dirty work on the field, rough elements, want of discipline, lack of confidence. We met them all, cut our hands a little, but we won. Now we have to face the old problem again. But as yet only the opening guns have been fired. The slaughter is yet to come-and the League is prepared for slaughter. I can see clearly the outlines of the future.

to pieces against the rocks of rebellion and demoralization. I stand ready to go out of the business and wash my hands clean of it all when the hour comes. "And you see no salvation?" None, except the withdrawal of the Players' League from the field.' Mr. Spalding then figured up the attendance at the games played thus far this week. His figures showed that in thirteen games the League had an aggregate attendance of 15,126 people, while in fourteen games the Brotherhood drew 13,127, an average for the League of 1,163 and for the Brotherhood of 937. The average for the

If the Players' League lasts there will be

25-cent base-ball, Sunday games, beer will

flow in the grand stands, and the industry

will be ruined by utter destruction as the grand finale of the play. The League, I promise you, will hold on until it is dashed

League alone, for the past two or three years, was about 3,400. At an average of 50 cents per head, and not allowing for the large complimentary list, the average receipts per club per game in the four bestpaying League cities in the country, this week, has been \$234, or about enough to pay traveling expenses, advertising and other incidentals of putting the game on the field, exclusive of salaries. "Now," said Mr. Spalding, in conclusion,

"I am going to make a prediction. If it should chance to rain on Decoration day, the Players' League will find it difficult to sail their craft through June. That is to say, the moneyed men who are waiting for Decoration day to repay them for their losses, will have had enough sport to satisfy them for life. In case it should not rain on Decoration day, then I'll postpone the crash until mid-summer. Should it rain on July 4, the Players' League will explode, like a giant fire-cracker, before the season is over. Should it rain on neither day, and the attendance continue as poor as it is now, the Players' League will never open a second season."

NATIONAL LEAGUE.

Pittsburg Again Defeated by New York-Good Hits by Glasscock and Bassett. NEW YORK, May 23 .- The New York National League team found pitcher Schmitt an easy mark to-day and batted him hard. Sharrott relieved Welch in the fifth inning. Attendance, 215. Score:

New York......0 0 2 1 1 6 4 1 2-17 Pittsburg......0 0 4 0 0 0 3 0 3-10 Hits-New York, 19; Pittsburg, 11. Errors-New York, 3; Pittsburg, 10. Batteries-Welch and Murphy, Schmitt and Miller. Earned runs-New York, 7; Pittsburg, 4. Two-base hits-Glasscock (2), Murphy. Three-base hits-Bassett, Sharrott, Sunday. Double play-Glasscock to Bassett to Esterbrook. First base on balls—
By Welch, 4; by Sharrott, 3; by Schmitt, 2,
Struck out — Tiernan, Esterbrook, Bassett,
Burkett, Welch, Sharrott, Sunday, Hemp (3);
Youngman, Schmitt (2.) Passed ball—Miller.
Wild ipitch—Sharrott. Time—2:15. Umpires—
Powers and Zacharias.

CHICAGO, 10; PHILADELPHIA, 8. PHILADELPHIA, May 23 .- The Chicago National League club defeated Philadelphia again this afternoon, after a stubborn ten-inning contest, by better all-around playing. Attendance, 1,500. Score: Chicago 0 0 0 3 0 4 0 1 0 2-10

Philadelphia....4 0 0 1 0 2 0 1 0 0-8 Hits-Chicago, 17; Philadelphia, 11. Errors-Chicago, 4; Philadelphia, 6. Batteries-Hutchinson and Kittridge; Vickery and Schriver. Umpire-McQuaid.

BOSTON, 4; CLEVELAND, 3. Boston, May 23 .- The Clevelands were beaten to-day by the Bostons, owing to the daring base-running of Long. Attendance,

Hits-Boston, 5; Cleveland, 9. Errors-Boston, 3; Cleveland, 3. Batteries-Clarkson and Shellhasse, Lincoln and Zimmer. Umpire-Mc-

CINCINNATI, 7; BROOKLYN, 2. BROOKLYN, May 23.-Terry was poorly supported by the Brooklyn National League team to-day, and the Cincinnatis won. Attendance, 429. Score: Brooklyn 1 1 0 0 0 0 0 0 0-2 Cincinnati 2 0 2 0 0 0 1 1 1-7

Hits-Brooklyn, 5; Cincinnati, 11. Errors-Brooklyn, 5; Cincinnati, 1. Batteries-Terry and Daley, Viau and Keenan. Umpire--Lynch.

BROTHERHOOD CLUBS.

Philadelphia Players Could Not Hit Bakeley and Lost to Cleveland.

PHILADELPHIA, May 23.—Bakeley was an enigma to the Philadelphia Players' League team to-day, after the first inning, in which two singles and a three-bagger were made off his delivery. Cunningham's delivery just suited the Cleveland men, and they kept the ball going all the time. Attendance, 609. Score: Philadelphia......1 0 0 0 0 0 0 0 0 0-1 Cleveland......0 1 2 0 1 0 3 2 *-9

Hits-Philadelphia, 7; Cleveland, 14. Errors-Philadelphia, 3: Cleveland, 3. Batteries—Cunningham and Milligan, Bakeley and Sutcliffe. Umpires—Matthews and Gunning. BOSTON, 8; PITTSBURG, 3, Boston, May 23 .- The Bostons took their

third consecutive game from Pittsburg today, in a game marked by sharp fielding on the part of the home team and some poor work by Pittsburg. Attendance 837. Score: Hits-Boston, 9; Pittsburg, 8. Errors-Boston. 2: Pittsburg, 6. Batteries—Radbourne and Kelly; Galvin and Carroll. Umpires—Jones and Knight.

NEW YORK, 23; CHICAGO, 9. NEW YORK, May 23.-The New Yorks today batted Dwyer hard, and the Chicagos were again defeated. Attendance, 1,547.

Chicago...... 2 1 1 1 0 0 1 2 1-9 Hits-New York, 23; Chicago, 9. Errors-New York, 7; Chicago, 12. Batteries-O'Day and Ewing; Dwyer and Farrell. Umpires-Gaffney and Barnes.

BROOKLYN, 6; BUFFALO, 2. Players' League game this afternoon at the end of the sixth inning. The Buffalos were outplayed at every point. Attendance, 502.

MR. SPALDING TALKS AGAIN | 17n. 2; Buffalo, 1. Batteries-Weybing and Kinslow; Krock and Mack. Umpires-Ferguson and Holbert.

AMERICAN ASSOCIATION.

The Athletics and Toledo Play Two Game and Divide Honors-Other Contests. At Philadelphia-First game:

Athletics..........0 0 0 1 0 0 0 0 0-1 Toledo.......0 4 0 0 0 0 0 0 0-4 Hits-Athletics, 5; Toledo, 7. Errors-Athletics, 5; Toledo, 4. Batteries-Esper and Robinson; Healy and Rogers. Umpire-Descher. Second game:

Hits-Athletics, 14; Toledo, 10. Errors-Athletics, 4; Toledo, 3. Batteries-Greene and Robincon; Abbott and Rogers. Umpire-O'Dea. At Brooktynrooklyn......0 0 0 0 4 0 0 0 0-4 ouisville......1 0 0 1 0 0 0 0 0-2

Hits-Brooklyn, 6; Louisville, 5. Errors-Brooklyn, 2; Louisville, 6. Batteries-McCullough and Toy; Meakin and Ryan. Umpire-At Rochester -tochester......0 0 1 1 0 0 0 2 0-4 st. Louis.....0 0 4 0 0 0 0 1 1-5

Hits-Rochester, 4; St. Louis, 8. Errors-Rochester, 2; St. Louis, 5. Batteries-Barr and McGuire; Ramsey and Munyon. Umpire-Bar-At Syracuse-

Hits-Syracuse, 4; Columbus, 2. Errors-Syracuse, 4; Columbus, 3. Batteries—Morrison and Briggs; Widner and O'Connor. Umpire—Emelie.

INDIANA LEAGUE. Muncie Defeats Fort Wayne and Begins Crowd the Leaders.

Special to the Indianapolis Journal. MUNCIE, May 23.-Muncie's ball teammet Fort Wayne in this city to-day for the first time in a game that proved to be a slugging match, both pitchers being rapped freely. McGinnis was most effective at critical points, in the last inning retiring the side on strike-outs. The feature was the playing of Galligher, a Muncie pitcher, who played in the field. Out of five times at bat, he made a home-run, two doubles, a single and put the other to the fence, where it was caught. Muncie's new men, Burke, at first, and Oreschall, at third, with other men, made a stone-wall infield. Lafayette's pitcher, lately released by Anderson, in the box, and Niblock. a Muncie in the field. The latter two hits and a run. The result of the game put Muncie but one game behind the leaders, Bluffton and Anderson, who are tied for first. Attendance, 600. Score:

Hits-Muncie, 13; Fort Wayne, 12. Errors-Muncie, 5; Fort Wayne, 2. Batteries-McGinnis and McConnell; Meakin and Ferris. Umpire-

MARION, 5; PERU, 4.

Special to the Indianapolis Journal. Marion, May 23 .- Marion defeated Peru in an exceedingly well-played game this afternoon by a score of 5 to 4. Dorsey, Marion's new pitcher, was in the box for the home team and gave good satisfaction. Up to the ninth inning, but three hits had been made off of his delivery. In the last half of the ninth the visitors pulled themselves together knocked out five hits, which netted three runs, coming within one of tying the score. The grounds were very heavy from last night's storm, making base-running diffi-

Hits-Marion, 8; Peru, 8. Errors-Marion, 3; Peru 4. Batteries-Marion, Dorsey and Feeny; Peru, O'Conner, Tance and Castor. Umpire-

ANDERSON, 3: BLUFFTON, 6. Special to the Indianapolis Journal. ANDERSON, May 23 .- The first game of

ball, to-day, between Bluffton and Anderson was a hard-fought battle from beginning to end, and was just close enough at the round-up to keep about aix hundred spectators pretty well on their feet. Wiswell played first base for Anderson. Fear took in a fly at center, which saved Ander-son, as Bluffton was but one run behind and had men on second and third. Score: Hits-Anderson, 9; Bluffton, 7. Errors-Anderson, 2; Bluffton, 2, Batteries-Anderson, Hemmings and Faatz; Bluffton, Aydelotte s and

Ogden. Umpire-Phillips. KOKOMO DEFEATED BY ELKHART. Special to the Indianapolis Journal.

ELKHART, May 23.-The Elkharts and Kokomos, of the Indiana State League, played the most exciting game of ball today seen here this season. At the beginning of Elkhart's half of the ninth inning the score stood 7 to 5 in favor of Kokomo, but by hard hitting and great running the home team pulled the game out of the fire by scoring five more runs. Bennett made two two-base hits, and Bates had four hits and four runs. Summary: Hits-Elkhart, 13; Kokomo, 12. Errors-Elk-

hart, 1; Kokomo, 3. Batteries-Elkhart, Thompson and Martin; Kokomo, Lucide and Klose.

Umpire-Sullivan. Peru's Hard Lines.

Special to the Indianapolis Journal. PERU, May 23 .- The ill luck which has been the Peru team's portion ever since the opening of the season, and which it was hoped had reached a stopping point, still continues and is proving a serious detriment to the club's chances toward winning any games, two of the best batters and general all-around players. Lawrence, firstbaseman, and Lawrence, left-fielder, coming home to-day, the first with a sprained back and the latter with a badly sprained

Terre Haute Beaten by Peoria. Special to the Indianapolis Journal. TERRE HAUTE, May 23.—Bad support for Shaw, the new pitcher, lost Terre Haute the game to-day, in spite of his good work.

Terre Haute......0 2 3 0 0 0 0 0 0 0-5 Peoria......2 1 4 0 2 0 0 0 *-9 Hits-Terre Haute, 9; Peoria, 6. Errors -Terre Haute, 6; Peoria, 1. Batteries-Terre Haute, Shaw, Burnett and McVey; Peoria, Burke and Johnson, Dugan and Calhoun.

Military Game.

Special to the Indianapolis Journal. CRAWFORDSVILLE, May 23 .- The game of ball this afternoon between clubs from Companies B and I, State militia, resulted in a victory for Company B, of Terre Haute. The score was as follows: Batteries-Cruse and Elliott, Boyd and Iron-

Changes in the Muncie Team.

Special to the Indianapolis Journal. MUNCIE, May 23 .- At a meeting of the di rectors of the Muncie Base-ball Club Bennie Drieschel, of Cambridge City, was signed to play third base and manage Muncie's team. Hill, third-baseman, was released, and Manager Russmith resigned. Lewis, second-baseman, was made captain.

LOCAL BASE-BALL,

A Movement to Organize an Independent Club Here Meeting with Success.

The move to organize an independent club is rapidly assuming shape, and several hundred dollars have been subscribed toward it. Harry Smith is engineering the movement, and has already signed several players, as he is anxious to have a game on Decoration day with the Shamrocks of Cincinnati. There is really more in the orgation of this club than appears on the New York.......3 1 8 0 1 1 2 6 1-23 last much longer, and the Interstate bully ascended the platform, and shaking glow of the firelight, or of a tall, shaded League has already repented not having replaced the Illinois town with Indianapolis when it had a chance some weeks ago. Galesburg's grounds are about the worst ever played on, and aside from that there

signed for the new club. He is one of the best all-around players in the Commercial League and a hard hitter, as well. Behind the bat, at second and in center field he has done first-class work. Newman, thirdbaseman and J. Campbell, first-baseman of the Buffalos, are under consideration for positions on the team. After a few games have been played it will be a comparative-ly easy matter to strengthen the club where needed.

Henry Boyle's Lame Arm. Henry Boyle is delighted with the warm weather, and hopes it will aid him in effeeting a cure for his lame arm, which not only incapacitates him from pitching, but pains him excessively at times. He will work it a little during these hot afternoons, and, if it gets no better, will go either to Mt. Clemens, Mich., or to Martinsville, and try a course of treatment at the springs. Boyle is no longer under salary, having been paid up to May 15 and told to repor when his arm was in good enough condition to permit him to go into the box.

COLLEGE ATHLETICS.

Results of Yesterday's Field-Day Contests by Wabash Students.

Special to the Indianapolis Journal. CRAWFORDVILLE, Ind., May 23,-The following are the results of the Wabash College field-day contests, taking place this after-

The One-hundred-and-twenty-yards Hurdle Race-Won by O. E. Acker. Time, 17 seconds. The One-hundred-yards Dash-F. C. Brewer. Time, 11 seconds. The Two-hundred-yards Dash-U. C. Stover. The One-fifth of a Mile Running Race-H. W The One-fifth of a Mile Bicycle Race-E. Two-mile Bicycle Race-Hubert Wilhite, of this city. Time, 7:19. Running Broad Jump-E. W. Biederwolf, eight-een feet, six inches. One-mile Walk-Frank Erickson, Time,

feet, six inches.
Tug of War-Freshman class.
One-mile Run-H. W. Crouse. Time, 6:57. The One-fifth of a Mile Run-H. W. Crouse. Time, 4812 seconds. Standing High Jump-F. M. Mason, four feet, four inches. Throwing the Sixteen-pound Hammer-A. T. Martin, fifty-five feet two inches. Running High Jump-Briderwolf, five feet, six The One-half-mile Run-O. E. Acker. Time, Running High Kick-F. P. Mount, eight feet,

Putting the Sixteen-pound Shot-F. T. Mount,

Standing Broad Jump-F. P. McNutt, eleven

thirty-five feet.

Throwing Base-ball-A. V. Reynolds, 337 Running Half-hammond Jump-F. P. Mount, forty feet nine and one-half inches. Standing Half-hammond Jump-Wm. Robbins, twenty-eight feet, one inch. Standing High Kick--H. E. Seaton, seven feet, Potato Race-H. E. Seaton.

Other contests will be held on Monday and Tuesday afternoons. Great interest was taken in these contests, and the winners will go to the State contest next Thursday. About two thousand people were in attendance.

EVENTS OF THE TURF.

Close of the Spring Meeting of the Louisville Jockey Club-The Winners. LOUISVILLE, May 23.—The spring meeting of the Louisville Jockey Club closed to-day. The attendance throughout, in spite of rain, has been the largest known in several years. The betting has been at times very spirited, and in the aggregate heavy. Today's crowd was one of the largest, and the weather very fine at the start. The track

for the first race was dry and fast. First Race-Macauley handicap, for all ages, \$400 added, one and a sixteenth mile. To a fair start Blarneystone, jr., showed first, X second. At the haif, Blarneystone, jr., by three lengths, Marion C. second, a neck in front of Barneys. They ran in this order into the stretch, Blarneystone, jr., winning; Marion C. second, X third. Time,

Second Race-Selling; purse, \$400; for two-year-olds; five furlongs. A heavy shower set in before this race, making the track somewhat heavy. At the tap of the drum all were sent away on even terms.
Coming into the stretch, Nettie Beatrice
was first by three lengths; Laura Allen second. Katuna third. Nettie Beatrice came
in an easy winner by a length; Valparaiso second, a like distance in front of Rose Howard, third. Time, 1:054. Owner bought winner for \$300, entered price.

Third Race—Kentucky jack-pot stake; for three-year-olds and upward; \$1,000 added;

one and one-fourth mile. Huntress won in a gallop by a dozen lengths; Murphy, knowing he had no chance to win, pulling up Outbound at the sixteenth pole. Time, 2:1512. Only two starters. Huntress starts again in the same stake at Latonia, one and Fourth Race-Selling; purse of \$400; for all ages; one mile. To a good start Sema-

phore jumped into the lead, Crab Cider second. At the half Semaphore and Workmate were neck and neck; Crab Cider third Workmate had a two-lengths' lead into the stretch, and won easily by three lengths; War Peak second, three lengths in front of Crab Cider. The winner was bought in by the owner for \$2,000. Time. 1:50. Fifth Race-Selling; purse of \$400; one

mile. From an even start they ran in a bunch to the half, where Brookful was leading. At the three-quarters Brookful was six lengths in the lead; Robin second, Rollin Hawley third. Brookful won handiy by four lengths; Hawley second, Robin third, by a length. Time, 1:4814.

Gravesend Park Results. GRAVESEND, May 23 .- The track was in first-class shape, and the racing was as interesting as any that has been seen this season. The match race, which was to be decided to-morrow, between Castaway II and Eric, has been declared off because the latter has gone lame, and cannot be brought

First Race-Five furlongs. Blue Rock won; Bella B. second, Tormentor third Time, 1:014. Second Race-Mile and a sixteenth. Stockton won; Prather beat Grimaldi for the place. Time, 1:4814. Third Race-Five furlongs. Fearless won: Kittie second. Time, 1:03. Fourth Race-One mile and a sixteenth. The Ballet colt won: Kingsbridge second Kempland third. Time, 1:30. Fifth Race-One mile and a furlong. Vivid won; Lotion second, Larchmont Time, 1:5314. Sixth Race-Six furlongs. Meriden won: Tanner second, Syracuse third. Time, 1:15.

Quick Wit Is Better than Law.

A jeweler at St. Louis, Mo., outwitted his landlord in a rather unique manner. He desired to move, but was compelled to pay full month's rent of \$200, because had not given the required thirty days' notice. He consulted a lawyer, but was assured that the claim could be collected "I can use the store can I not?" he asked

"Certainly," said the lawyer. His stock had nearly been moved to the new store, but the remaining occupant of the store, who was the landlord, was much surprised when the jeweler returned with a select assortment of four dozen cheap alarm These the owner set to suit himself, and

then went out for a walk. When the alarm clocks began to ring, one after the other, the landlord was almost frantic with the noise, and hunted up the jeweler and tendered him his money in return, but the jeweler did not want to lose the price of the clocks, so he drove a sharp bargain, accepted \$300 and moved out.

A Bulldozer in Garrison's Day.

Apropos of the recent discussion of the character of William Lloyd Garrison, the Table is told a story by an eye-witness of the occurrence. In 1844 Garrison spoke at a large anti-slavery meeting in New York. his fist savagely in Mr. Garrison's face. shouted: "You may call God Almighty all the names you please, but if you say one word against my President I'll smash your head." It will readily be believed that the man "who would not retreat a single inch." and who "would be heard," was not greatly alarmed at this threat; but it well illustrates the condition of the times and the ar-rogance of the slave oligarchy. A man who in these days should commit such an atrocious offense as this in the presence of a public audience would be taken in charge by the police and fined the next morning, regardless of his political preferences.

Supreme Court Virtually Decides that Application for a Writ of Error Refused-Meaning of the Phrase "Cruel and Unusual

> "I take Hood's Sarsaparilla as a spring tonic, and I recommend it to all who have that miserable tired feeling." C. PARMELEE, 349 Bridge street, Brooklyn, N. Y. N. B.-Be sure to get Hood's Sarsaparilla; do

the application for a writ of error in the case of Kemmler, under sentence of death by electricity. The opinion, which was rendered by Chief-justice Fuller, first recites the proceedings in the lower courts leading up to the bringing of the case to this court. The court says that it is urged in Kemmler's behalf that the fourteenth amendment is a prohibition on the State of imposition of cruel and unusual punishment, this being included in the term "due process of law." The origin of the phrase 'cruel and unusual punishment," the court said, was in the English account of settlement of 1688, and meant that barbarous methods of punishment should not be inflicted. It meant that a man should not be sentenced to death by torture, but did not mean that the death penalty itself was eruel. The Court of Appeals, the opinion says, held that the punishment to be inflicted on Kemmler was unusual, but that there was no evidence to show that it was cruel. The Legislature New York had the facts bearing upon this question, and the court must pre-

sume that the Legislature had devised a a punishment it ithought less cruel than the former mode. That decision, the court says, was not against any special privilege set up by the prisoner, and was so plainly right that the court would not be justified in overruling it. The fourteenth amendment did not materially change the whole theory of the government. Citizens still remain citizens, both of the State and of the United States. The only change is that the amendment furnishes an additiona guarantee against encroachment by the State upon the fundamental rights of the the citizens. The privileges and immuni-ties of citizens of the United States are protected by them. Those are the privileges arising out of the essential nature and character of the national government. The court quotes the decision in the Hurtato case on the meaning of the phrase "process of law." The change in form of death was within the legitimate sphere of the legislative power of the State. The Legislature of the State of New York determined that it did not inflict cruel and unusual punishment, and its courts have sustained that determination. This court cannot see that the prisoner has been de-prived of due process of law. In order to reverse the judgment this court would be compelled to hold that the Court of Ap-

peals had committed an error so gross as to deprive the prisoner of his constitutional rights. The court has no hesitation in saying it cannot do this. The case will next come up before United States Circuit Judge Wallace, who made an order to operate as a stay of proceedings to save Kemmler's life until the United States Supreme Court could pass upon the questions involved. This order was issued with the understanding that counsel would immediately apply to the Supreme Court for a writ of habeas corpus. Their application for such a writ was thrown out of court, but they were allowed a hearing on an application for a writ of error, and it was this application which was to-day denied. The same questions were involved this hearing as would come before the Supreme Court on a mo-tion for a writ of habeas corpus, the only difference being one of form and court practice. It is, therefore, supposed that Judge Wallace, when the order becomes returnable on the third Mon-

day in June next, will vacate it, that being practically the understanding upon which the order was made. The court also rendered an opinion affirming judgment in the case of Luis de Oteyza y Cortez, appellant, vs. John W. Jacobus and Miguel Suarez Guanes. The effect of this decision will be to allow the extradition of Oteyza by the Spanish gov-ernment, which wants him for trial in Havana on a charge of embezzling a very large amount of public funds in the latter part of 1889. He is in confinement in New York, and by the present proceedings sought to get out on a writ of habeas

Ex-Senator McDonald made a motion for rehearing of the Mormon case and to vacate the mandate in the case. The court refused to grant a rehearing, but decided to allow the latter part of the motion asking for the vacating of the mandate. The court said it was satisfied that the conclusions reached were correct, but not with the form of the decree entered, and would take this matter under advisement until next term. It is understood that the object is to ascertain if there be not some method by which the money accumulated by the Church of Latter-d ay Saints can be returned to some source that will not use the funds for the propagation of polygamy, there being a reluctance to absolutely confiscate the property.

The court to-day finally adjourned until the next term, beginning the second Mon-

day in October. WHERE WOMAN DOES A GOOD DEED. The Making of Cushions Upon Which Weary Man May Rest in Contentment.

The exceptional sweet woman who is content to let the Lord A'mighty look after his own in heathen lands, and to allow the city fathers to superintend the sewers and garbage at home; who has no desire to soil her dainty fingers adjusting the mechanism of the big dirty political machine, and likes her petticoats just as her mother taught her to wear them in singleness of purpose and arrangement; who is satisfied to be ust womanly, and ambitious only to have the man she loves love her half as much in return, can work off some of her surplus energy stirring round after bargains in bright soft stuffs and making them up into cushions of all sizes and shapes, adding thereby to the sum of human happiness a very picturesque and pleasing factor of comfort. One industrious little woman made forty last year, and then didn't really feel satisfied. First the divan, without which existence is empty, must have something like six or eight huge softly silken pillows, faintly per-fumed, down-filled, brightly tinted. It costs very nearly \$30 to buy the divan ready for its covering, which may be of anything from creton up to some rare old rug with Oriental traditions in its color-Mussulman's devotion in its designing.

ing, and hallowed reminiscences of some Then the pillows may be of every hue and quaintly flowered silk, finished with a big double frill about the edge, drawn up at the corners in odd little pully rosettes, tied in the center or near the end with broad ribbon girdles and sashes, ornamented with more or less elaborate designs in soft silk needlework, brightened with metallic threads, smocked across the corners in English fashion, and puffing in soft fullness in the center, or simply sewed about in a seam, with no decoration at all. The pretty woman who flutters down and nestles among these many-hued cushions, in some enchanting, dreamy, lace-frilled, perfumed gown, does more toward the elevation and culture of the depraved man's better nature than a whole army of woman's clubs gabbling all together about the higher life and the advancement of the race in divided petticoats and boneless

Then there are the two huge cushions piled one above another on the floor, made of some rare old brocade with golden gleanings or bit of tapestry wrought by fair dead queens among their maidens years and years ago, and they are placed just in front of some curiously carved painted screen or lamp, will fall gently upon my lady's face as she sits gracefully poised upon them, with her fair hands folded in her lap as innocently as if she didn't know, down deep in her naughty little heart, that you are quietly and deliciously falling in love with her pretty pose outlined against the soft background of the curtain and the exqisite tints the firelight brings out on cheek and lip amid the wavy tresses. Then there are the footstools, on which a tiny foot in a pointed slipper rests, among circumambient double-gathered flounces of silk or the velvet petals of a huge cabbage rose, or upon a simple bit of bright brocade circled with

That Tired Feeling

Has never been more prevalent or more prostrating than now. The winter has been mild and unhealthful, influenza epidemic and fevers have visited nearly all our homes, leaving about everybody in a weak, tired-out, languid condition. The usefulness of Hood's Sarsaparilla is thus made greater than ever, for it is absolutely unequaled as a building-up, strengthening medicine. If you have never taken Hood's Sarsaparilla try it and you will realize its recuperative powers.

not be induced to buy any other.

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fringe or satin sheeting, wrought in an all over conventional design of shining metal threads. Sometimes a four-leafed clover, staggering under a monstrous bow and set upon four clover heads of gold, has the preference, and the small gilded Louis XVI stool, with a pompadour silk finish, has been brought down out of the attic for people to fall over in the dimly-lighted drawingrooms. The reason for the existence of these foot cushions, whose variety is unlimited, only the inscrutable wisdom of woman can determine, for the lowness popular chairs does away entirely with any need for them. In every window there must be a curiously cut, grotesque seat, more or less uncomfortable, with its accompanying cushion of silk, anchored with huge ribbon bows and decorated according to the fancy of the designer. Every chair-back must have its sack of perfumed down covered with pongee, liberty silk, or soft chamois leather. The latest fad is the "Pensez a moi" chair bolster of cool, soft moss green embroidered with the motto wrought in about a shower of violets, with their delicate green stems pointing distractedly in all directions at once and perfumed deliciously with violet fragrance. The bolster is usually covered with embroidery of an Oriental nature gathered up the ends, which are lined with a contrasting color forming a sort of puckered rosette, from which the ribbons extend over the chair back to fasten with a great flutter of colors. Really economical women with deft needles fashion artistic and pretty chair backs of odd pieces of cretonne, silk, or brocade, artistically combined in diamond shape and

edged about with silk. There are yacht cushions of blue denim wrought with bright linen flosses, whose colors defy even salt water; piazza cushions of linen, which may be easily laundered, wrought also with Holkin stitches in the linen flosses, and smoking cushions for gentlemen, in cloudy smoke-colored ush, with gleaming designs in gold thread. The president of a whole federation of women's clubs and reform societies could find time hang heavy on her hands sooner than the woman who makes half the cushions she can use to add to her own picturesqueness and her friends' com-

Are Women Careless of Money? No woman, at last in America, has any such talent as a man has fer spending money. She spends for what she believes to be beauty-for raiment, books, jewels decoration, furniture, pictures, marbles-rarely for what does her serious harm. He spends most for his vices, for the things that hurt him greatly. He is apt to gam-ble, to speculate, to bring evil to others from his love of pleasure or of gain. He will get rid of more money in a month than she would in years. She would, however ignorant of it, be appalled by the sums he dissipates. She is constitutionally conservative; big statements of any sort are likely to alarm her. Unless desperate or frenzied, she invariably stops short of extremes. She trembles and turns pale where he, in the flush of egotism moves undisturbed

Nearly all the talk of woman's careless ness of money is really idle. The opinion cannot be sustained. It is mainly the echo of misapprehension. Where she is even partially enlightened on the subject, she is prone to be very cautious in its use. Her temperamental tendency is to the opposite of carelessness.

Indianapolis, May 23, 1890. We do not try our infringement suits in the newspapers; neither do we build up our business by misrepresentations. We have a suit now pending in the United States Court against the Indianapolis Feuce Company for infringement of our patent rights. As soon as said case is determined we shall proceed further in the same direction. W are manufacturing under the seven United

States patents issued to John B. Cleaveland, of Indianapolis, Ind. CLEAVELAND FENCE COMPANY, 20, 21 and 22 Biddle st. Telephone 328.

If You Only Knew How little a Western pleasure or business trip costs just now, you couldn't afford to stay at home. Just notice the rates the Missouri Pacific railway is now offering: St. Louis to Kansas City......\$1.00 St. Louis to Leavenworth...... 1.00 St. Louis to Atchison..... 1.00 St. Louis to St. Joseph...... 1.00 St. Louis to Omaha.....

Pullman sleepers and free reclining-chair cars without change to all these cities and many For rates, maps and full information, address COKE ALEXANDER, District Passenger Agent, 7
Jackson Place, Indianapolis.

THE lily is as white as snow, The rose is as the crimson red; But neither can surpass in glow, The color or the brightness shed, By the sweet lips and teath allied

That Sozodont has purified.

HOT SPRINGS FAIL Bruise on leg leads to great suffering. Hot springs, doctors, and all methods and remedies fail. Tries Cuticura and suc-

ceeds. Not a sore about him now. CUTICURA SUCCEEDS Having been a sufferer for two years and a half from a disease caused by a bruise on theleg, and having been cured by the Cuticura Rem-edies when all other methods and remedies failed, I deem it my duty to recommend them. I visite Hot Springs to no avail, and tried several doctors without success, and at last our principal drug-gist, Mr. John P. Finlay (to whom I shall ever feel grateful), spoke to me about Cuticura, and consented to give them a trial with the result that I am perfectly cured. There is now no sore about me. I think I can show the largest surface where my suffering sprang from of any one in the State. The Cuticura Remedies are the best blood and skin cures manufactured. I refer

to druggist John P. Finlay and Dr. D. C. Mont-gomery, both of this place, and to Dr. Smith, of Lake Lee, Miss. ALEXANDER BEACH, Greenville, Miss. Mr. Beach used the Cuticura Remedies, at o request, with results as above stated. A. B. FINLAY & CO., Druggists.

Scrofula 7 Years Cured

I have been troubled with Scrofula seven years which first started on the top of my head, giving me infinite trouble, with constant itching, cast ing off of dry scales, and a watery liquid exuded from under the scales. I treated it for seven years unsuccessfully, and was unable to check i until I found your Cutieura Remedies, which completely cured me, my skin becoming perfect ly clear and smooth. S. J. DAVIS, Artesia, Los Angeles Co., Cal. CUTICURA RESOLVENT

The new blood and skin purifier and purest and best of humor remedies, internally, and Cuticura, the great skin cure, and Cuticura Soap, an exquisite skin beautifier, externally, cure every disease and humor of the skin scalp and blood, with loss of hair, from pimples to scrofula. Sold everywhere. Price, Cuticura, 50c; Soap 25c; Resolvent, \$1. Prepared by the POTTER DRUGAND CHEMICAL CORPORATION, Boston.

Send for "How to Cure Skin Diseases," 64 pages, 50 illustrations, and 100 testimonials. PIMPLES, black-heads, red, rough, chapped and oily skin prevented by Cutieura Soap.

No Rheumatiz About Me In one minute the Cuticura Anti-Pain Plaster relieves rheumatic, sciatic, hip, kidney, muscular and chest pains. The first and only instantaneous pain-killing, strengthening plaster.

Nearly everybody needs a good spring medicine like Hood's Sarsaparilla to expel impurities which accumulate in the blood during the winter, keep up strength as warm weather comes on, create an appetite and promote healthy digestion. Try Hood's Sarsaparilla and you will be convinced of its peculiar merits. It is the ideal spring medicine-retable, beneficial, pleasant to take, and gives full value for the money.

"I was all run down and unfit for business I was induced to take a bottle of Hood's Sarsaparilla, and it built me right up so that I was soon able to resume work. I recommend it to all who are afflicted." D. W. BRATE, stonecutter, No. 4 Martin st., Albany, N. Y.

Hood's Sarsaparilla Sold by all druggists. \$1; six for \$5. Prepared | Sold by all druggists. \$1; six for \$5. Prepared only by C. I. HOOD & CO., Lowell, Mass.

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SOCIETY MEETINGS. TTENTION-GEO. H. THOMAS POST, No. 1' A TTENTION—GEO. H. THOMAS POST, No. 17.

G. A. B.—Comrades will assemble to attend memorial service at Memorial Presbyterian Church. Sunday morning, May 25, 1890, as follows: At Grand Army hall, corner of Delaware and Court streets. at 9:45 o'clock, or at Buschman's, corner Fort Wayne and Central avenues, at 10 o'clock, as may be most convenient. Uniform company will all report at Buschman's, in full uniform and white gloves. Detachment at Buschman's will await arrival of detachment from the hall. All comrades will wear memorial and G. A. R. badges. By order of rial and G. A. R. badges. By order of J. M. PAVER, Post Commander, H. P. Hood, Adjutant.

WANTED-MISCELLANEOUS. NYANTED-AGENTS TO SELL MY BOOK ON

medical science fraud. A. S. KINGSLEY WANTED-TO EXCHANGE GOOD LANDS IN Kansas and Nebrasks for first-class merchan-dise. Address E. A. FLETCHER, Franklin, Neb. A GENT WANTED-WITH SMALL CAPITAL.
Will give a good man exclusive sale in Indianapolis. Address DIXON MAN'F'G CO., Dayton, O. I WANT TO RENT FROM A MILL-OWNER, A flouring-mill of about 50-barrel capacity, with the privilege of buying. H. C. PORTER, Indianapolis, Ind.

IN ANTED - CARRIAGE BLACKSMITH-VV Steady job; good man on repairing; mostly good class work. Address W. H. STICKLE, Terre Haute, Ind. WANTED-SALESMAN TO SELLOUR GOODS VV to manufacturers; no competition; experience unnecessary; big wages certain. RAU M'G'G CO.,

WANTED-Reliable local and traveling salesment Positions permanent. Special inducements now fast-selling specialties. Don't delay. Salary from start. BROWN BROS., Nurserymen, Chicago, Ill. WANTED-AGENTS TO REPRESENT THE Illinois Building and Loan Association in the cities and villages of Indiana. GEO. T. MASON, Gen'l Agent Department of Ind., 123 N. Tenn. st. WANTED—Salesmen at \$75 per month salary and expenses, to sell a line of silver-plated wave, watches, etc., by sample only; horse and team furnished free. Write at once for full particulars and sample case of goods free. Standard Silverware Co., Boston,

WANTED-ENERGETIC SALESMEN TO sell our goods by sample to merchants; bright, new salable goods; salary and expenses to a few good men in each State; permanent position and chance to build up a fine trade; good side-lines; samples furnished. MODEL M'F'G CO., South Bend, Ind. TENRY M. STANLEY-THE COMPLETE and the disclosure of his important discoveries will appear for the first time in the work written by himself, entitled, "In Darkest Africa," in two volumes, profusely illustrated. The work will be sold only by subscription. We are now appointing agents. Published by Charles Scribner's Sons, New York. JESSE B. THOMAS, Sole Agent for Indiana, 40 Vance

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ANNOUNCEMENTS.

Block, Indianapolis.

INDIANAPOLIS STEAM CARPET-BEATING 1 CO., 270 B. Washington st. Telephone 1101. TREE INFORMATION of a Positive Cure for DRUNKENNESS and the OPIUM HABIT given by A. S. REED, 388 North Alabama at., Indianapolis Either Home or Sanitarium Treatment. Call or write DIDS WILL BE RECEIVED AT THE OFFICE D of the Indianapolis City Hospital until Tuesday May 27, at 12 m., for furnishing the institution will bread and crackers, meat, milk and ice, for the year beginning June 1. For further particulars inquire of J. H. OLIVER, Superintendent. Telephone, 828.

FOR SALE-REAL ESTATE. FOR SALE - THIRTY-FIVE ACRES NEAR Brightwood, only \$200 per acre. POWELL & HANCKEL, 66 East Market. FOR SALE_THREE LOTS_NORTH ILLINOIS street, between Tenth and Eleventh, 50x204 each; choice, high ground, east front; electric line; both gases, sidewalks bricked; easy payments. Address OWNER. Journal office.

FOR EXCHANGE. DOR EXCHANGE-\$5,000 WORTH OF FIRST I mortgage gilt-edge notes. Will exchange for a good stock of boots and shoes, dry goods, or a stock of general merchandise. Address F. E. STOUT & CO., 515 Jefferson street, Toledo, Ohio.

AUCTION SALE OF REAL ESTATE. A UCTION SALE

CHOICE BUILDING LOTS. Monday, May 26, at 2 p. m.

The remaining lots in Walker's East Ohio street
Addition will be sold by auction, on the premises,
next Monday afternoon. These lots front on East
Ohio, New York and Vermont streets, on that high
ground only ten blocks east of the court-house. Easy
terms, Call at our office for further particulars. See Sunday Journal for plat.
C. E. COFFIN & CO., Agente,
90 East Market street.

FINANCIAL. MONEY-QUICK-TBY BRYAN, NO. 36 CIR-YOANS-MONEY ON MORTGAGES, C. F SAYLES, 75 East Market street. MINANCIAL-MONEY ON MORTGAGE, FARM I and city property. C. E. COFFIN & CO. SIX PERCENT. ON CITY PROPERTY IN IN diana. ISAAC H. KIERSTED, 13 Martindal

MONEY ON WATCHES, DIAMONDS, JEW-elry, without publicity. CITY LOAN OFFICE, 57 West Washington street. MONEY TO LOAN ON FARMS AT THE LOW-due, We also buy municipal bonds. THOS. C. DAY & CO., 72 East Market street, Indianapolis. MONEY TO LOAN-IF YOU WANT A straight business loan of home money, on Marion county real estate, without commission, middlemen, premium or red tape, and for any time from three to ten years, apply to WILLIAM H. ENG-

BUILDING AND LOAN ASSOCIATION. UBSCRIBE FOR STOCK IN THE SUN SAY o ings and Investment Co. Dues received by Edwin E. Rexford, Cashier Indianapolis National Bank, or office of Henry Coburn, West Georgia street.

Meets Monday evenings at latter place. Dues 25
cents per \$100. Premiums limited to 6 cents.

Money sold Saturday, May 24, at 5 p. m. L. G.

MILLER. Secretary.

POLITICAL ANNGUNCEMENTS. DOLITICAL-I am a candidate for County Re-I corder, subject to the Repution. WILLIAM WIEGEL.

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l ern lands and some cash, for stock from \$20,000 to \$100,000. Address Lock-Box 173, Leavenworth

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Three hundred pairs Men's Working Pants,

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PARK THEATER ONLY PLACE OF AMUSEMENT OPEN

IN THE CITY.

Last day of UNCLE TOM'S

A splendid performance of the grand old play THIS AFTERNOON AT 2. TO NIGHT AT 8 Night prices, 10c, 20c, 30c. Matinee, 10c, 20c. Coming, next week-THE VAIDIS SISTERS.

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RELIGIOUS SERVICES.

FIRST BAPTIST CHURCH-Northeast corner of New York and Pennsylvania streets. Rev. W. F. Taylor, pastor. Rev. A. B. Charpie will preach the memorial sermon at 10:45 a. m. Rev. J. E. Gil. bert, D. D., will preach at 7:45 p. m. Sunday-school at 9:15 a. m.

Christian.

CENTRAL CHRISTIAN CHURCH-Corner of

Ohio and Delaware streets. D. R. Lucas, pastor. Subject, 10:45 a. m., "Joseph and Absalom;" 7:45 p. m., "Memory and Memorials," a sermon appropriate to Decoration day. Sunday-school at 3:30 a. m.; Howard Cale, superintendent. Society of Christian Endeavor at 6:45 p. m. All are invited and welcome PLYMOUTH CHUBCH—Corner Meridian and New York streets. Oscar C. McCulloch, minis-tor. Services Sunday morning at 10:45, and in the evening at 7.45. Morning subject, "The Seventeenth, National Conference of Charittee and Corrections."

Evening, "I Count Life Just a Stuff to Try the Soul's Strength on." Sunday-school at 9:30; adult class at Methodist. CENTRAL-AVENUE METHODIST EPISCO o pal Church-Corner of Central avenue and But by the pastor, Rev. J. H. Ford, D. D. Class-meeting at 9:30 a. m. Sunday-school at 2:15 p. m. MERIDIAN-STREET METHODIST EPISCO-pal Church—The Rev. H. A. Cleveland, D. D., pastor, will preach at 10:30. Theme, "Manly Men and Their Importance in the Community." The choir will conduct a service of song at 7:45. Classes at 9:30. Sunday-school at 2:15. Y. P. S. C. E. at 3:45. Annual picuic next Saturday.

ROBERTS PARK M. E. CHURCH-Northeast Corner Delaware and Vermont streets. Rev. C. A. Van Anda, D. D., pastor. Regular class-meetings as usual at 9:15 a.m. Preaching by the pastor, Dr. Van Anda, at 10:30 a.m.; also at 7:45 p. m. Sunday-school at 2:15 p. m. Week-night meetings-Young people's meeting Tuesday, at 7:45 p. m.; regular prayer-meeting Thursday, 7:45 p. m. Strangers condially invited. DIRST PRESBYTERIAN CHURCH - South-Rev. M. L. Huines, D. D., pastor. The Rev. T. L. Hughes, D. D., of Shelbyville, Ind., will preach to-morrow at 10:45 a. m. and 7:45 p. m. Sunday-school meets at 9:30 a. m. The Young People's Society meets at 6:45 p. m. Weekly prayer-meeting on Thursday evening, at 7:45 o'clock. CECOND PRESBYTERIAN CHURCH-Corner Pennsylvania and Vermont streets. Preaching at 10:30 a. m. and 7:30 p. m., by Rev. George F. Chipperfield, of Malone, N. Y. Sunday-school at 2:30 p. m. Young people's meeting at 6:45 p. m. Thursday evening prayer-meeting at 7:45, led by Rev. W. A. Hendrickson. All are cordially invited to these services. DOURTH PRESBYTERIAN CHURCH-Corner FOURTH PRESBYTERIAS CHURCH—Corner of Pennsylvania and Pratt streets. Services at 10:30 a. m. and 7:45 p. m., conducted by the pastor, E. P. Whallon. Evening subject, "The Song of Redemption," with special song-service. Sabbath-school at 12 o'clock, noon. Y. P. S. C. E. meeting at 7 p. m. Preaching by Dr. Whallon at Riverside Chapel

at 4:30 p. m. A cordial invitation to all the services of the church. CEVENTH PRESBYTERIAN CHURCH-COR S ner of Cedar and Elm streets. Take Virginia avenue car to Cedar street. R. V. Hunter, pastor, Mermorial service Sabbath morning at 10:30. Milli companies will be in attendance. Members of the G. A. R. especially invited. Evening subject "Saints in the House of Casar." Sabbath-school at it p. m. Y. P. S. C. E. at 3 p. m. The public is invited to all these services. TABERNACLE CHURCH—Corner Meridian and Second streets. Rev. J. A. Rondthaler, D. D., pastor. Preaching at 10:30 a. m. by the pastor. Sunday-school at 2:15 p. m. Young People's Society of Christian Endeavor at 6:45 p. m. Services in Mt. Jackson and Indianola Chapels at 7:30 p. m.

Murphy Gospel Temperance Leagues. THE MURPHY GOSPEL TEMPERANCE I Leagues will meet Sunday afternoon, at 4 o'clock, in Roberts Park Church. Good singing and short speeches. Everybody welcome.

Young Men's Christian Association.
YOUNG MEN'S CHRISTIAN ASSOCIATION—
33 North Illinois street. Young men's meeting, for one hour, beginning at 3:45 p. m. Good singing; spirited addresses. Strangers and commercial travelers especially welcome. Bible class from 5 to 6 p. m. All invited

The Sunday Journal, \$2 Per Annum